



Arb.O.P.(Com.Divn.) No.532 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

Arb.O.P.(Com.Divn.) No.532 of 2025

Tata Capital Limited
By its Legal Manager
D.Kalaiarasan
Having its Office at
I Floor, Centennial Square
6A- Dr.Ambedkar Salai, Kodambakkam
Chennai – 600 024.

.... Petitioner

Vs

Harshini Metal Recyclers
Rep by its Proprietor Mr.Mahesh Kumar
No.36, 46 Shanthi Nagar, 5th Street
Vyasarpadi
Landmark – Chennai
Tamil Nadu Pin code – 600 039.

..... Respondent

Prayer : Application filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint/substitute a Sole Arbitrator to adjudicate upon the differences and disputes between the parties under the said agreement dated 30.09.2023 in respect of contract bearing No.TCFBL0478000012356255 and pass orders.



For Petitioner : Mr.N.K.VAmam

For Respondent : No appearance

ORDER

This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 [for brevity hereinafter referred to as the “Act”] for appointment of an Arbitrator to adjudicate the disputes between the petitioner and the respondent.

2. When the matter came up for hearing on 04.09.2025, this Court passed the following order:

“This petition has been filed seeking for appointment of sole Arbitrator to adjudicate the differences/disputes between the petitioner and the respondent.

2. The petitioner rendered financial assistance to the respondent and in the course of the said transaction, parties entered into a loan cum hypothecation agreement dated 30.09.2023. Clause 9 of the said agreement provided for referring the disputes to the list of institutions among which the parties can choose one as the Arbitrator.

3. It is stated that the respondent did not make payments



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and became a defaulter and hence, the loan recall notice dated 14.10.2025 was issued by the petitioner calling upon the respondent to pay a sum of Rs.25,31,718/-. This amount was not paid. Hence, the trigger notice under Section 21 of the Arbitration and Conciliation Act, 1996 [for brevity "the Act"] dated 25.06.2025 was issued to the respondent calling upon the respondent to nominate and confirm any one of the institution to appoint an Arbitrator. Since there was no response, the present petition has been filed before this Court.

*4. Notice to the respondent returnable by 06.10.2025.
Private notice is also permitted.
Post on 06.10.2025."*

3. Notice was sent to the respondent and the same has been received by him and the affidavit of service was filed on 06.10.2025. There is no appearance for the respondent either in person or through counsel.

4. Heard Mr.N.K.Vanan, learned counsel appearing for the petitioner and also perused the materials available on records.

5. This Court finds that there is a valid agreement between the parties in line with Section 7 of the Act, which contains an arbitration clause. Hence, this Court is inclined to appoint an arbitrator.

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6. In view of the above, Mr.M.Mohamed Riyaz, Advocate, High Court of Madras, I Floor, SM Plaza, 45 Armenian Street (Opp. to High Court of Madras), Chennai – 600 001, Ph.No.9444386515; email ID: mmriyazbabl@yahoo.co.in is appointed as sole Arbitrator and the Arbitrator is requested to adjudicate the arbitral dispute that were arising between the parties by holding the sittings in any venue in Chennai to the convenience of all concerned and render an award. Fees of the sole Arbitrator shall be in accordance with the Madras High Court Arbitration Centre (MHCAC)(Administrative Cost and Arbitrator's Fees) Rules 2017.

7. This Arb. OP is disposed of in the above terms. There shall be no order as to costs.

27-10-2025

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ds

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